

### **What Is a Letter of Reprimand and Where can one be Filed?**

A letter of reprimand (LOR) is an administrative censure or "chewing out" given to a soldier for a failure to comply with established standards. IAW AR 600-37 (Unfavorable Information), Chapter 3, a letter or reprimand may be filed in either your Military Personnel Record Jacket (MPRJ) or your Official Military Personnel File (OMPF).

A LOR filed in a soldier's MPRJ can only be made by an enlisted soldier's immediate commander (or a higher commander in his/her chain of command), school commandant, any general officer or an officer exercising general court-martial jurisdiction over the soldier. Letters filed in your MPRJ may remain for up to three years or until you are reassigned to a new general court-martial jurisdiction, whichever is sooner.

A LOR filed in a soldier's OMPF, regardless of the issuing authority, can only be filed upon the order of a general officer senior to the soldier, or by direction of an officer having general court-martial jurisdiction over the soldier. Letters filed in your OMPF are permanently placed in the performance fiche (P-fiche), and may adversely affect your military career in the future. Moreover, the LOR is also placed in your MPRJ as long as it remains in your P-fiche.

### **How Do I Respond To a Letter of Reprimand?**

Since the LOR is "unfavorable information", IAW AR 600-37 you are entitled to reply to the allegations made against you before a decision is made to file the letter. You may make a written statement to deny, rebut, explain, or mitigate the LOR. You will have a reasonable time to prepare and submit your written statement (usually 7-10 days). Normally your statement should address the underlying facts (whether you choose to deny, explain mitigating circumstances, or admit your actions and ask for a second chance) of the LOR, and argue for a particular filing determination. If the letter is filed, your statement will be attached.

Your local Legal Assistance Attorney (LAA) can help you with your written statement. To help the LAA understand what has occurred, write out a complete description of the events surrounding the LOR. You should write the statement in memorandum format; this memo will be the foundation of your statement. Make sure you write legibly and bring the draft when you see the LAA.

Virtually anything may be attached to support your rebuttal. If you have witnesses to certain events, list their name and units as fully as possible when they are mentioned, and obtain separate written statements (preferably sworn statements) from them. Also consider enclosing copies of favorable ratings, letters attesting to your character, and awards received. The LAA will assist you in editing and refining your statement. After the final statement is complete, turn it into the officer who initiated the LOR in a sealed envelope or folder. Also make sure you keep a copy.

If you cannot make the suspense (7-10 days), then ask the LAA to request an extension.

**A Letter of Reprimand Has Been Filed in my MPRJ. Can I Appeal?**

No formal process exists for removing an LOR from your MPRJ. However, at anytime you may request its removal by the commander who ordered the filing. Your appeal should be in memorandum format, and should include any supporting documentation.

**A Letter of Reprimand Has Been Filed in My OMPF. Is There Anything I Can Do to Get it Removed or Transferred?**

There is a procedure described in AR 600-37, chapter 7, for requesting the Department of the Army Suitability and Evaluation Board (DASEB) to remove the LOR from your OMPF, or to transfer the LOR from the performance record to the restricted portion of the OMPF.

**How do I ask for removal?**

Once a LOR is filed in your OMPF, it is presumed to be administratively correct. Thereafter, the burden of proof rests with you to provide evidence of a clear and convincing nature that the allegations are untrue or unjust, in whole or in part, thereby warranting removal. Appeals that merely allege an injustice or error without supporting evidence are not acceptable and will not be considered.

Appeals are normally restricted to grades E6 and above, officers, and warrant officers. For soldiers in grades below E6, an appeal will only be considered as an exception to policy.

Appeals should be in military memorandum format and accompanied by relevant, substantive evidence. Appeals should be sent directly to the President, DA, Suitability Evaluation Board, HQDA (DAPE-MPC-E), Washington, DC, 20310-0300.

**How do I ask for transfer?**

Only LORs, admonition, or censure may be the subject of an appeal for a transfer to the restricted fiche. Such appeals may be made on the basis of proof that their intended purpose has been served and that their transfer would be in the best interest of the Army. As with removal, the burden of proof rests with the soldier.

Appeals are normally restricted to grades E6 and above, officers, and warrant officers. Appeals for transfers may only be made if at least 1 year has elapsed since imposition of the letter and at least one evaluation report, other than academic, has been received in the meantime.

Appeals should be in military memorandum format and accompanied by relevant, substantive evidence. Appeals should be sent directly to the President, DA, Suitability Evaluation Board, HQDA (DAPE-MPC-E), Washington, DC, 20310-0300.

**Where Can I Get More Help?**

If you receive a LOR, you should immediately contact your legal assistance office to see a LAA. You should obtain statements from witnesses, draft your response, and bring everything with you when you see the LAA.